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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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William A. Rozzi

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Steven J. Shumaker
SHUMAKER & SIEFFERT, P.A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL, MN 55125

EXAMINER

LUU, MATTHEW

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,054

Applicant(s)

ROZZI, WILLIAM A.

Examiner

LUU MATTHEW

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-10,13-18,21-28,31,32,38 and 41-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-10,13-18,22-28,31,32,38,41-43 and 46 is/are rejected.
- 7) ☒ Claim(s) 21, 44, 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 6-18, 22-28, 31-32, 38, 41-43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi et al (6,480,202) in view of Liang (5,579,031).

Regarding claim 1, Deguchi discloses (Fig. 15) a display device comprising:
a display (monitor 103-2) that presents a color image including a housing; and
a processor (600) that adjusts the color image presented by the display, wherein
the processor:

receives color input including input color image data through internet (500);
processes the color input based on a source device profiled associated with a
source imaging device (monitor 103-1 and profile C in memory 104a-1) and a display
profile (profile E) associated with the display (monitor 103-2) to generate altered color
image data; and outputs the altered color image data to the display (monitor 103-2) to
present the color image. See column 15, line 13 to column 16, line 5.

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The only difference between the disclosure of Deguchi and the claimed invention is that the claim 1 requires the processor is within the housing of the display.

However, it has been recognized in re Larson, 144 USPQ 347 (CCPA 1965) and In re Lockhart, 90 USPQ 214 (CCPA 1951) that whether the processor and the display are used separately or in combination, it would perform the same function.

Furthermore, Liang(5,579,031)discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the processor is housed within a color matching hardware unit (workstation 10), which itself may comprise a display device. See column 5, lines 3-9. Therefore, it is obvious to the person of ordinary skill in the art to use the color matching hardware unit (10) of Liang into the color adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique.

Liang clearly teaches the color matching hardware unit (work station 10), which itself may comprise an image processor, a display device, ...or more (column 3, lines 3-9). Therefore, the Liang reference clearly suggests the processor can be integrated within the color matching hardware unit (work station 10), which itself comprises a display device (see Figs. 1 and 2).

Regarding independent claim 22, Deguchi discloses (Fig. 15) a method comprising:

receiving color input including input color image data through internet (500) in a display device (monitor 103-2);

processing the color input in a processor (600) to generate altered color image data; and

displaying a color image according to the altered color image data to the display (monitor 103-2). See column 15, line 13 to column 16, line 5.

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The only difference between the disclosure of Deguchi and the claimed invention is that the claim 22 requires the processor is within the housing of the display.

However, it has been recognized in re Larson, 144 USPQ 347 (CCPA 1965) and In re Lockhart, 90 USPQ 214 (CCPA 1951) that whether the processor and the display are used separately or in combination, it would perform the same function.

Furthermore, Liang(5,579,031)discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the processor is housed within a color matching hardware unit (workstation 10), which itself may comprise a display device. See column 5, lines 3-9. Therefore, it is obvious to the person of ordinary skill in the art to use the color matching hardware unit (10) of Liang into the color adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique.

Liang clearly teaches the color matching hardware unit (work station 10), which itself may comprise an image processor, a display device, ...or more (column 3, lines 3-9). Therefore, the Liang reference clearly suggests the processor can be integrated within the color matching hardware unit (work station 10), which itself comprises a display device (see Figs. 1 and 2).

Regarding claims 3 and 23, Deguchi discloses (Figs. 8 and 10) wherein the processor receives internal color input (Fig. 8, ambient light input section 101) and external color input (Fig. 10, GUI input). See column 7, lines 11-19.

Regarding claims 4, 25, and 28, Deguchi further discloses (Fig. 1) wherein the color input includes a display profile (monitor 3), a source device profile (scanner 2 or camera 1), and image data (camera 1). See column 1, line 49 to column 2, line 4).

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Regarding claims 6, 24, and 26, Deguchi discloses (Fig. 8) wherein the internal color input includes sensed conditions (ambient light input section 101).

Regarding claim 7, Deguchi discloses (Fig. 10, GUI input) wherein the external color input includes user input. See column 7, line 59 to column 8, line 4.

Regarding claims 8 and 27, wherein the external color input includes image data (camera 1). See column 1, line 64 to column 2, line 4.

Regarding claim 9, it is inherent that the processor (image processing section 100 and memory section 104) is an application specific integrated circuit (ASIC), since the computer processor is made up with computer IC chips that run application programs.

Regarding claim 10, Deguchi discloses (Fig. 1) wherein the display is one of the following: cathode ray tube, flat panel display, digital paper, plasma display, and electronic ink display. See column 1, lines 19-22.

Regarding claim 13, wherein the images rendered on the display substantially visually match images rendered by a source device associated with the source profile. See column 1, line 61 to column 2, line 4.

Regarding claim 14, Deguchi further discloses (Fig. 8) an archive (memory 104a, 104b) coupled to the processor (100).

Regarding claims 15, 31, and 32, Deguchi discloses (Figs. 1 and 2) the color profile links (common color space CIE/XYZ,

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CIE/L*a*b*). See column 1, lines 54-60; column 2, lines 21-27; and column 7, lines 27-35.

Regarding claims 16 and 17, Deguchi fails to disclose that the archive comprises electrically-erasable-programmable-read-only-memory (EEPROM) or random access memory (RAM).

However, it is obvious to a person of ordinary skill in the art to recognize that the type of memory being used to store data is an obvious design choice since it is not a critical to the function of the display device.

Regarding claim 18, note the rejection as set forth above with respect to claim 1.

Regarding claim 38, note the rejection as set forth above with respect to claim 1. Deguchi further discloses (Fig. 8) an integral color matching processor (100); a color management control (monitor control section 102, image processing section 100, and memory section 104) coupled to the display device (103); and at least one printing device (4).

The only difference between the disclosure of Deguchi and the claimed invention is that the claim 38 requires the processor is within the housing of the display.

However, it has been recognized in re Larson, 144 USPQ 347 (CCPA 1965) and In re Lockhart, 90 USPQ 214 (CCPA 1951) that whether the processor and the display are used separately or in combination, it would perform the same function.

However, Liang (5,579,031) discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the processor is housed within a separate color matching hardware unit (workstation 10). See column 5, lines 3-9.

Since Deguchi also teaches his display device is a color matching hardware unit (column 4, lines 55-58), it is obvious to the person of ordinary skill in the art to use the separate color matching hardware unit (10) of Liang into the color

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adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique. Furthermore, a multiple displays "soft proofing" system is well known in the art.

Liang clearly teaches the color matching hardware unit (work station 10), which itself may comprise an image processor, a display device, ...or more (column 3, lines 3-9). Therefore, the Liang reference clearly suggests the processor can be integrated within the color matching hardware unit (work station 10), which itself comprises a display device (see Figs. 1 and 2).

Regarding claims 41-43, note the rejection as set forth above with respect to claim 38. Deguchi fails to explicitly teach wherein the integral color matching processors are internal or a separate hardware color matching unit to the display devices.

However, Liang (5,579,031) discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the processor is housed within a separate color matching hardware unit (workstation 10). See column 5, lines 3-9.

Since Deguchi also teaches his display device is a color matching hardware unit (column 4, lines 55-58), it is obvious to the person of ordinary skill in the art to use the separate color matching hardware unit (10) of Liang into the color adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique.

Regarding claim 46, Deguchi discloses (Fig. 15) a display device comprising:

a display (monitor 103-2) that presents a color image including a housing; and

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a processor (600) that adjusts the color image presented by the display, wherein the processor:

receives color input including input color image data through internet (500);

processes the color input based on a source device profiled associated with a source imaging device (monitor 103-1 and profile C in memory 104a-1) and a display profile (profile E) associated with the display (monitor 103-2) to generate altered color image data; and outputs the altered color image data to the display (monitor 103-2) to present the color image. See column 15, line 13 to column 16, line 5.

The only difference between the disclosure of Deguchi and the claimed invention is that the claim 46 requires the processor is within the housing of the display and a second processor not housed within the housing of the display that provides the input color image data to the first processor housed within the display .

However, it has been recognized in re Larson, 144 USPQ 347 (CCPA 1965) and In re Lockhart, 90 USPQ 214 (CCPA 1951) that whether the processor and the display are used separately or in combination, it would perform the same function.

Furthermore, Liang(5,579,031)discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the processor is housed within a color matching hardware unit (workstation 10), which itself may comprise a display device. See column 5, lines 3-9. Therefore, it is obvious to the person of ordinary skill in the art to use the color matching hardware unit (10) of Liang into the color adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique.

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Liang clearly teaches the color matching hardware unit (work station 10), which itself may comprise an image processor, a display device, ...or more (column 3, lines 3-9). Therefore, the Liang reference clearly suggests the processor can be integrated within the color matching hardware unit (work station 10), which itself comprises a display device (see Figs. 1 and 2).

Regarding to the claimed second processor not housed within the display, it would have been obvious to the person of ordinary skill in the art to recognize that, since Deguchi teaches that the image displayed on the monitor (103-1) is transmitted and input to the display monitor (103-2) (column 15, 62-64), the processor associated with the monitor (103-1) from the transmitting side can be considered as the "second processor not housed within the housing of the display that provides the input color image data to the first processor housed within the display".

Allowable Subject Matter

Claims 21, 44, and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed January 18, 2005 have been fully considered but they are not persuasive.

Applicant argues that neither the Deguchi reference nor the Liang reference discloses or suggests a processor housed within a display. Examiner respectfully disagrees.

Liang clearly teaches the color matching hardware unit (work station 10), which itself may comprise an image processor, a display device, ...or more (column 3, lines 3-9). Therefore, the Liang reference clearly suggests the processor can be integrated

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within the color matching hardware unit (work station 10), which itself comprises a display device (see Figs. 1 and 2).

It has been recognized in re Larson, 144 USPQ 347 (CCPA 1965) and In re Lockhart, 90 USPQ 214 (CCPA 1951) that it is unpatentable to integrate several parts, which are rigidly secured together as a single unit. Therefore, whether the processor and the display are used separately or in combination, it would perform the same function.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BELLA MATTHEW can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a stylized flourish at the end.

MATTHEW LUU
PRIMARY EXAMINER